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WRITER'S

DIAL NUMBER

June 26, 1996

VIA FACSIMILE AND U.S. MAIL

Mr. James Pierce
Staff Counsel
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612-2530

Re: Chiate/Wildman Easement

Dear Mr. Pierce:

I received your phone mail message of June 24, 1996, in which you informed me that staff did not present to Conservancy Board Mr. Mancuso's request for notice of opportunity to be heard regarding the proposed study of the Chiate/Wildman Easement. In our view, by withholding Mr. Mancuso's request from the Board, the staff of Conservancy has denied Mr. Mancuso any administrative remedy he may have had, or has rendered the same futile. This action also reinforces the serious concerns present in our previous correspondence to the Conservancy.

We wish to respond to several of the points raised in your June 18, 1996 letter, Specifically:

1. Your letter admits no actual notice was ever given to Mr. Mancuso. Whatever the Conservancy's misimpression about Ms. McCabe, there is no excuse for the Conservancy in providing mailed notice to the property owner on whom the property a portion of the easement concerned lies.

2. Your letter again suggests that the Conservancy has not adopted procedures for notice as required by Public Resources Code Section 31107.1. The lack of such procedures is the source of the problem which has occurred in the present instance.

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Your interpretation that the Conservancy has no obligations under Section 31107.1 is conveniently suggested given the lack of notice which has occurred, and the Conservancy's apparent failure to implement Section 31107.1. Moreover, your unduly narrow interpretation of Section 31107.1 is neither consistent with the broad definition of "transaction," nor the language of Section 31107.1, which emphasizes not only proper -- but equitable -- notice to the public. Simply put, given the fact that the study provides critical information to guide the Conservancy's decision-making process regarding the easement, the excuse for denying directly affected property owner Mr. Mancuso, the opportunity to provide input regarding the study's proper scope.

3. Your suggestion that Mr. Mancuso raise his comments at a later time is not sufficient to remedy the Conservancy's errors. Mr. Mancuso and other area property owners should have been afforded an opportunity to be heard and to provide input regarding the proper scope of the feasibility study and the environmental and other factors that should be included before the study was authorized. Instead, the Conservancy limited the scope of the study apparently to construction issues only, and authorized a limited study tailored to such scope. These limitations effectively preclude the study from providing a full consideration of the factors which concern Mr. Mancuso.

4. Your remarks concerning our June 13, 1996 letter to Consulting Engineers are inappropriate. Our letter

¹ We are at a loss to understand the Conservancy's purported reliance on Government Code Section 11125 to excuse the Conservancy's lack of notice to Mr. Mancuso. Obviously, in order to request notice of future actions, an affected owner must have had at least initial notice. Here, no such notice occurred.

² These factors include, but are not limited to, traffic hazards and traffic congestion impacts; the lack of safe and sufficient parking; the cost and feasibility of providing such basic services as police, lifeguard, emergency communications and sanitary facilities; the cost and feasibility of mitigating adverse impacts to coastal duffs, the beach, and sensitive vegetation and animal species as well as impacts to surrounding and private property uses.